



Comptroller General
of the United States

Washington, D.C. 20548

Decision

Matter of: Michael E. Mahaffey

File: B-243501

Date: August 20, 1991

DECISION

The Department of Energy (DOE) requests a determination as to whether two travel vouchers submitted by Mr. Michael E. Mahaffey, a former employee of the agency, for relocation expenses incurred in connection with two changes of official station, may be certified for payment.^{1/}

In February 1988, Mr. Mahaffey, who was then employed by the Department of the Army, was transferred from Fort Sheridan, Illinois, to a position with DOE in Miamisburg, Ohio. His residence was in Winthrop Harbor, Illinois. Reimbursement of real estate expenses was not authorized since he indicated he was not selling his residence at that time.

In June 1988, Mr. Mahaffey was transferred to the Chicago, Illinois, Office of Inspector General of DOE, located at Argonne, Illinois. He then returned to live in his residence in Winthrop Harbor.

In July 1989, Mr. Mahaffey requested DOE to amend his original travel order to Miamisburg, Ohio, to include the sale of the Winthrop Harbor residence because he planned to build a home in the spring of 1990 in order to be closer to his place of employment in Argonne. He stated that the one-way commuting distance from Winthrop Harbor to Argonne was 67 miles.

Mr. Mahaffey sold his Winthrop Harbor residence in January 1990 and purchased a new residence in Zion, Illinois, in February 1990. According to his mileage claim, the new residence is 10 miles from the old residence. However, the area map submitted to us indicates that Zion is only approximately 3.5 miles from Winthrop Harbor. He is claiming reimbursement of expenses in the amount of \$7,033.19 incurred in the sale of his Winthrop Harbor residence and \$3,615 for

^{1/} The request was submitted by Mr. V. Joseph Startari, Director, Fiscal Operations Division, DOE.

travel, shipment of household goods, miscellaneous expenses, and expenses incurred in purchasing the residence in Zion.

Since Mr. Mahaffey had lived in his Winthrop Harbor residence for 1 year following his return to Illinois and in light of the relatively short distance of Mr. Mahaffey's residence relocation, DOE determined that the relocation expenses incurred by Mr. Mahaffey were not incident to either of the two changes of official station authorized by DOE.

The payment of travel, transportation, and relocation expenses of transferred government employees is authorized under 5 U.S.C. §§ 5724 and 5724a (1988), as implemented by the Federal Travel Regulations (FTR).

The standard applicable to all cases involving claims for expenses incurred in an employee's relocation of residence is that it must be "incident to the change of official station." Harvey Knowles, 58 Comp. Gen. 319 at 320 (1979). The fact that an employee's change of station is in the interest of the government does not necessarily make the relocation of his residence incident to the change of station.^{2/}

We have consistently held that, in short-distance relocations, the applicable statutes and regulations give an agency broad discretion in determining whether an employee's move from one residence to another is incident to the change of official station.^{3/} Generally, we will not overturn an agency's determination in the absence of a showing that it was clearly erroneous, arbitrary, or capricious.^{4/}

We have also held that a reduction in commuting time and distance is not invariably required for a relocation of residence to be determined as being incident to the change of station, nor would the fact, in itself, that the new residence is located near the former residence preclude such a determination.^{5/} However, these are circumstances which may be considered by the agency in making its determination as to

^{2/} Gerald M. Anderson, B-238920, Sept. 20, 1990; David E. Meisner, B-187162, Feb. 9, 1977.

^{3/} 51 Comp. Gen. 187 (1971); Rodney T. Metzger, B-217916, Aug. 26, 1985; David E. Meisner, supra.

^{4/} John W. Lacey, 67 Comp. Gen. 336 (1988); Rodney T. Metzger, supra; Jack R. Valentine, B-207175, Dec. 2, 1982.

^{5/} 54 Comp. Gen. 751 (1975).

whether an employee's relocation of residence is incident to the change of official station.6/

Here, DOE has determined that Mr. Mahaffey's relocation of residence was not incident to either of his transfers from Fort Sheridan to Miamisburg or from Miamisburg to Chicago. In making that determination, DOE considered the fact that Mr. Mahaffey had lived in his Winthrop Harbor residence for 1 year following his transfer back to Illinois. Further, the agency considered the short distance between the residences in Winthrop Harbor and Zion which, according to an area map submitted, is only approximately 3.5 miles. We regard the short distance between the old and new residences and the reduction in commuting time to Mr. Mahaffey's new duty station in Argonne as being minimal, even if the actual distance between the two residences is 10 miles instead of less than 5 miles. Therefore, we agree with DOE that the relocation was not incident to either of the two changes of official station. Accordingly, and based upon the record before us, we are unable to conclude that the DOE determination was arbitrary, capricious, or an abuse of discretion.7/

In light of the foregoing, the two travel vouchers submitted by Mr. Mahaffey may not be certified for payment.


James F. Hinchman
General Counsel

6/ John W. Lacey, supra; Gerald M. Anderson, B-238920, Sept. 20, 1990, aff'd, B-238920.2, Aug. 5, 1991.

7/ Roger A. Nichols, B-188083, June 27, 1977; David E. Meisner, supra.